IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9880 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

FISHERIES DEPTT EXECUTIVE TECHNICAL EMPLOYEES UNION

Versus

STATE OF GUJARAT

Appearance:

MR CB DASTOOR for Petitioner

DS AFF.NOT FILED (R) for Respondent No. 1, 3, 4

Mr.Digant P. Joshi, AGP instructed by

MR SP HASURKAR for Respondent No. 2

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 10/03/2000

ORAL JUDGEMENT :

The grievance of the petitioners, namely, Fisheries Department Executive Technical Employees Union and two individuals, is that the employees of the

Fisheries Department working on the sites of various departments, the names of which are set out in para 3.3 of the memo of petition, viz.

Ukai Project, Dharoi Project, Khanada Project, Bhadar Project, Daman Ganga Project, Sukhi Reservoir Project, Heran Reservoir Project, Karjan Project and Machhu- II (Morbi) Earthen Dam, Panam Project, Madhuban Project, Dantiwada Project, etc.

are not paid project allowance, which according to the petitioners is paid to the employees of all other departments, the details of which are set out in para 3.4, viz.

Sub Treasury Staff, Health Department, Education Department, Agricultural Department, Animal Husbandry Deptt; over and above the employees of the Irrigation Deptt.

It is also the case of the petitioiners that the highest officer of the department, namely, the Commissioner of Fisheries had already made necessary communication/ recommendation to the Govt. and more particularly to the Fisheries Deptt of the State of Gujarat, but the said recommendations are not yet considered and decided by the competent authority.

2. It will be in fitness of things to direct the respondent authorities to consider the recommendations made by the Commissioner of Fisheries. At this juncture, Mr.Dastoor, learned advocate for the petitioners prays that the petitioner union and other employees of the Fisheries Department may also be permitted to make a representation to the authorities so as to place all necessary details for consideration of the authorities. The request is reasonable. Hence this petition is disposed of with the following directions.

(i) The recommendation/ communication made by the Commissioner of Fisheries and the representation which may be made by the petitioner union and other employees with a copy of this order, be considered by the respondent authorities in accordance with law, preferably within four months and in any case not later than six months.

(ii) The decision taken on the issue be communicated to the petitioner union.

3. The petition stands disposed of in view of the aforesaid directions. Rule issued on 16.12.1999 stands discharged with no order as to costs.

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